

## REMARKS

### Present Status of the Application

The Office Action rejected claims 6 under 35 U.S.C. 102(e) as being anticipated by Kepler et al. (U. S. Patent 6,037,671; hereinafter Kepler). The Office Action rejected claims 1-5 under 35 U.S.C. 103(a) as bring unpatentable over Kepler. Applicants have amended independent claims 1 and 6. After entry of the foregoing amendments, claims 1-6 remain pending in the present application, and reconsideration of those claims is respectfully requested.

### Discussion of Office Action Rejections

The Office Action rejected claims 6 under 35 U.S.C. 102(e) as being anticipated by Kepler. The Office Action rejected claims 1-5 under 35 U.S.C. 103(a) as bring unpatentable over Kepler. Applicants respectfully traverse the rejections for at least the reasons set forth below.

As stated in "**Response to Arguments**" of the Office Action, the Office Action considers that the claimed "*trench*" is not clearly recited not to belong to the alignment mark. Applicants have amended independent claim 1 and 6 to clearly recite these features of the trench.

Actually, these features have been discussed in previous Response, and the claims 1 and 6 have defined the alignment mark in a separated recitation without including the trench. However, Applicants have amended claims 1 and 6 to overcome the consideration by the Office Action. The amendments do not raise new issue or new matter.

After amendments, it is believed that the present invention has successfully distinguished over Kepler and precluded the consideration from the Office Action. Both the sections 22 and 23 are part of the alignment mark structure in Kepler (col. 4, lines 33-40). The "W" represents

a width of each of the sections 22 and 23 of the alignment mark structure. This width W does not equally disclose the features of the present invention.

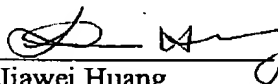
For at least the foregoing reasons, Applicant respectfully submits that independent claims 1 and 6 patently define over the prior art references, and should be allowed. For at least the same reasons, dependent claims 2-5 patently define over the prior art references as well.

### CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-6 of the invention patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

Date: 4/25/2005

  
Jiawei Huang  
Registration No. 43,330

J.C. Patents  
4 Venture, Suite 250  
Irvine, CA 92618  
Tel.: (949) 660-0761  
Fax : (949) 660-0809